

## **CHAPTER 4**

### **STREETS AND SIDEWALKS**

#### **ARTICLE I. DAMAGING STREETS AND SIDEWALKS**

##### **Section 4-1 Permit to Dig in Streets**

It shall be unlawful for any person, firm, or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the Town without first securing a permit therefore in writing from the Street Superintendent.

##### **Section 4-2 Sidewalk Construction**

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood, or other material without a written permit from the Street Superintendent.

##### **Section 4-3 Openings to be filled by Town**

All openings made in any street or sidewalk under the provisions of this Article shall immediately upon completion of the work be filled in and the surface thereof made flush with the adjacent surface. Any hard surface, macadam, or asphalt removed shall be replaced by the Town at the expense of the applicant granted permission to open said street or sidewalk.

##### **Section 4-4 Excavations -- Leaving Unprotected**

It shall be unlawful for any person, firm, or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover such excavations with plank or place ropes around the same three feet from the ground or shall fail to place a sufficient number of red lights around such excavation before dark and to keep such light burning all night every night such excavations shall be open.

##### **Section 4-5 Streets Not to be Damaged**

It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, batholithic, warrenite, or other permanently paved street of the Town which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

##### **Section 4-6 Damage to Bridges and Culverts**

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town or place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the Town.

#### **Section 4-7 Damage to Lights, Signs**

No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the Town in performance of their official duties.

#### **Section 4-8 Driving Through Street Barricades**

No person shall drive any vehicle of any kind into or upon any alley or street, which has been barricaded by the Town.

#### **Section 4-9 Removal of Barricades Forbidden**

No person other than a Town employee shall remove, tear down, or destroy any barricade erected by the Town.

## **ARTICLE II. OBSTRUCTING STREETS AND SIDEWALKS**

### **Section 4-14 Display Goods Prohibited**

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of said Town, which shall extend out on the sidewalks more than one third of the width of said sidewalks.

### **Section 4-15 Placing Objects on Streets and Sidewalks**

No brick, stone or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alley ways, streets or other routes of the Town, nor shall any person place on or in any of the streets, sidewalks or alley ways of the Town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind. Provided that any person erecting a building, may with permission of the Town Manager place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.

### **Section 4-16 Construction Near Sidewalk**

Before building or remodeling at any place where the same is in close proximity to the sidewalk, an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage, provided a permit for such has been issued by the Building Inspector.

### **Section 4-17 Sheds and Awnings**

No persons shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning. If any person shall violate this section then each day that the above forbidden structure shall remain after notice shall constitute a separate violation. Provided that this shall not be construed to prevent the erection over the sidewalk of cloth awnings supported upon metallic frames firmly suspended from the building and at least seven feet above the level of the sidewalk.

### **Section 4-18 Removing Trash, Construction Materials and Tree Trimmings Within the Town of Hertford**

- 1) The Town shall not be responsible to pick up tree limbs or any other debris from trees after same has been trimmed over 4 inches. The Town may be contacted to move same but there shall be a charge of \$35.00 per hour per truck and man.
- 2) The Town shall not in any way be obligated to clean up after any construction materials have been placed on a street in the Town of Hertford and a contractor doing the work on any building or house in the Town of Hertford has a duty to move all such articles.

- 3) The Town of Hertford shall not be responsible to remove and collect refrigerators, cook stoves, bathroom fixtures, roofing materials and any other large, bulky, and unwieldy debris, provided, however, that the town shall provide such service if the landowner shall contact the town first and there shall be a minimum fee of \$35.00 for removal of said materials.
- 4) For any violations of this ordinance there shall be imposed a civil penalty and fine, including the offense of littering in the amount of \$10.00.

#### **Section 4-19 Littering**

1. No person, firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown, or placed or otherwise dispose of any litter upon any public property or private property not owned by him within this Town or in the waters of this Town, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:
  - a) When such property is designated by the Town or political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or
  - b) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.
2. When litter is so blown, scattered, spilled thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural product or supply.
3. As used in this section, the word "litter" shall be defined as any rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description; the word "vehicle" shall be defined as in G.S. 20-4.01(49); and the word "watercraft" shall be defined as any boat or vessel used for transport upon or across the water.
4. A violation of this ordinance shall be civil in nature and will carry a penalty in the amount of \$20.00 which shall be payable to the Town of Hertford or 4 hours of community service.

#### **Section 4-20 Dumping Litter**

1. A person is guilty of a misdemeanor if he intentionally dumps or places litter on the private property of another without the consent of the owner of the property. This act shall not apply to a tenant or lessee unless said tenant or lessee fails to remove such litter within 10 days after he is given written or oral notice to remove such litter following termination of said lease or rental agreement. The presumption in G.S.14-399 (b) and the definition of “litter” in G.S.14-399(c) apply to this section.
2. A violation of this ordinance shall be civil in nature and will carry a penalty in the amount of \$20.00 which shall be payable to the Town of Hertford or 4 hours of community service.

#### **Section 4-21 The Removal and disposition of abandoned, nuisance and junk motor vehicles**

The Town Council of the Town of Hertford is authorized by G.S. 160A-193, G.S. 303 and G.S. 160A-303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the Town’s ordinance making jurisdiction; and

The Town Council of the Town of Hertford finds it necessary and desirable to promote or enhance:

- 1) The quality of urban attractiveness and aesthetic appearance of the Town of Hertford;
- 2) The protection of property values throughout the Town of Hertford;
- 3) The preservation of the livability and attractiveness of neighborhoods;
- 4) The promotion of tourism, conventions and other opportunities for economic development for the Town of Hertford;
- 5) The attractiveness of the Town’s thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of Town; and
- 6) The promotion of the comfort, happiness and emotional stability of occupants of property in the vicinity of junked motor vehicles.

#### **Administration:**

The Police Department and Building Inspector of the Town shall be responsible for the administration and enforcement of this chapter. The Police department shall be responsible for administering the removal and disposition of vehicles determined to be “abandoned” on the public streets and highways within the Town, and on property owned by the Town. The Town building inspector or the police department shall be responsible for administering the removal and disposition of “abandoned”, “nuisance”, or “junked motor vehicles” located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be constructed to limit the legal authority or powers of officers of the Town police department and Town fire department in enforcing other laws or in otherwise carrying out their duties.

1) DEFINITIONS.

For purpose of this section, certain words and terms are defined as herein indicated:

- a) Abandoned vehicles. As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that;
  - i) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
  - ii) Is left on a public street or highway for longer than seven (7) days;
  - iii) Is left on property owned by the Town for longer than twenty four (24) hours; or
  - iv) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- b) Authorizing official. The supervisory employee of the Police department or the Town Building Inspector, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.
- c) Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self propelled vehicle.
- d) Junked motor vehicle. As authorized and defined in G.S. 160A-303.2 the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:
  - i) Is partially dismantled or wrecked; or
  - ii) Cannot be self propelled or moved in the manner in which it originally was intended to move; or
  - iii) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).
- e) Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance unlawful, including a vehicle found to be:
  - i) A breeding ground or harbor for mosquitoes, other insects or other pets; or
  - ii) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
  - iii) A point of collection of pools or ponds of water; or
  - iv) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidence as by odor; or
  - v) One which has area of confinement which cannot be operated from the inside, such as, trunks, hoods, etc; or
  - vi) So situated or located that there is a danger of it falling or turning over; or
  - vii) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
  - viii) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
  - ix) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

2) ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED

- a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- b) Upon the investigation, proper authorizing officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

3) JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

- a) It shall be unlawful for the owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the property upon which a junked motor vehicle is located to, leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this section.
- d) Subject to the provisions of subsections (e), upon investigation, the Town Building Inspector or Town Police department may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:
  - i) Protection of property values;
  - ii) Promotion of tourism and other economic development opportunities;
  - iii) Indirect protection of public health and safety;
  - iv) Preservation of the character and integrity of the community; and
  - v) Promotion of the comfort, happiness and emotional stability of area residents.
- e) Permitted concealment or enclosure of junked motor vehicles:
  - i) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the Town's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The Town building inspector or Town police department has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be comparable with the objectives stated in the preamble of this ordinance.
  - ii) More than one junked motor vehicle. Any other motor vehicle must be kept in garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure mean either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

4) REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES.  
PRETOWING NOTICE REQUIREMENTS.

Except as set forth in Section 5 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or a junked motor vehicle, if the names and mailing address of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date, no sooner than seven (7) days after the notice is affixed. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, nuisance vehicles or junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Council in writing, heard at the next regularly scheduled meeting of the Town Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

5) EXCEPTIONS TO PRIOR NOTICE REQUIREMENTS.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

- a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Town Council hereby determines that immediate removal of such vehicles may be warranted when they are:
  - i) Obstructing traffic;
  - ii) Parked in violation of an ordinance prohibiting or restricting parking;
  - iii) Parked in a no stopping or standing zone;
  - iv) Parked in loading zones;
  - v) Parked in a bus zone; or
  - vi) Parked in violation of temporary parking restrictions imposed under the code sections.
- b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on city owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location of manner as to pose a traffic hazard and vehicles causing damage to public or private property.



6) REMOVAL OF VEHICLES POST TOWING NOTICE REQUIREMENTS.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last know registered owner of the vehicle, such notice include the following:

- a) The description of the removed vehicle;
- b) The located where the vehicle is stored;
- c) The violation with which the owner is charged, if any;
- d) The procedure the owner must follow to redeem the vehicle; and
- e) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however whether or not the owner is reached by telephone, written notice, including the information set forth in the subsection (a) through (e) above, shall also be mailed to the registered owners' last know address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is register in North Carolina, notice shall be given within twenty- four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance or junked motor junked vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (a) through (e) above.

7) RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the Chief District Court Judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.9 et seq., as amended.

8) REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or a towing business having custody of the removed vehicle. Upon the regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance.

9) SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other property entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

10) CONDITIONS OF REMOVAL OF BVEHICLE FROM PROVATE PROPERTY.

As a general policy, The Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle, which has been ordered, removed by the Town Building Inspector or Town police department. The Town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage or sale thereof.

11) PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this chapter.

12) EXCEPTIONS.

Nothing in this chapter shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or junkyard" as defined in N.C.G.S. 136-143, in accordance with the "Junkyard Control Act", N.C.G.S. 136-141, et seq.; (2) which is in an enclose building; (3) which is on the promises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or (4) which is an appropriate storage place or depository maintained in a lawful place and manner by the Town.

13) UNLAWFUL REMOVAL OF IMPOUND VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which as been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

### **ARTICLE III. PICKETING, PARADES, AND DEMONSTRATIONS**

#### **Section 4-25 Permits Required; General Regulations**

- 1) No parade, picket line or group demonstration is permitted on the sidewalks or streets of the Town unless a permit therefore has been issued by the Town; provided, however, that nothing herein shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.
- 2) Wherever in this Article any regulation or enactment pertains to a parade, group demonstration or picket line the following definitions shall apply but shall not be exclusive as to coverage:
  - a) "Parade" is any parade, march, ceremony, show, exhibition, or procession of any kind in or upon the public street, sidewalks, and parks or other public places.
  - b) "Person" is any person, firm, partnership, association, company or organization of any kind.
  - c) "Picket Line" is any person or persons formed together for the purpose of making known any position or promotion of said person or persons on behalf of any organization.
  - d) "Group demonstrations" is any assembly together or concert or action between two or more persons for the purpose of protesting any matter or making known any position or thought of the group or of attracting attention to such demonstration.
- 3) No person shall hamper, obstruct, impede or interfere with such activity of any person participating therein and the police force is authorized to establish lines for separation of the general public from such activity and it shall be unlawful to violate the provision of this Section or to cross such lines.
- 4) Upon violation of the terms of the permit by those participating, the Chief of Police or such officer of the Police Force as may then be in charge, is authorized to then revoke the permit and direct those participating to disperse. No such parade, picket line, or group demonstration is permitted within any public building or structure.
- 5) Exceptions. This section shall not apply to:
  - a) General Processions
  - b) Students going to and from school classes or participating in educational activities where such activity is under the immediate supervision and direction of proper authorities.
  - c) A governmental agency acting within the scope of its functions.

6) Appeal Procedure.

Any person aggrieved by the denial of a permit, as herein provided shall have a right to appeal to the Board of Commissioners but such appeal notice must be given in five (5) days thereafter and the appeal upon such notice will be heard by the Board at its next regular meeting or at any special called meeting the Board may set.

**Section 4-26 Requirements for Permits**

The Chief of Police, or, in his absence, the next highest ranking officer of the Police Force, is authorized to issue permits as required in this ordinance and in the issuance thereof shall:

- 1) require a written application therefore to be filed twenty-four (24) hours in advance of such parade, picket line or group demonstration on a form prescribed by said department and which shall require the application to be signed by the person or persons filing such application, and the application shall therein state the proposed place, time, purpose and size of such parade, picket line, or group demonstration, and whether or not any minors below the age of eighteen (18) years shall participate;
- 2) refuse to issue such permit when the activity or purpose stated in the application would violate any ordinance of the Town or any statute of the State of North Carolina, or when the activity or purpose would endanger the public health or safety, or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the sidewalks or streets of the Town;
- 3) specify in the permit whether or not minors below the age of eighteen (18) years will be permitted to participate. The Chief of Police, or, in his absence, the next highest ranking police officer on duty, shall pass upon whether or not minors below the age of eighteen (18) years shall be permitted to participate in the parade, picket line or group demonstration, and shall base his determination upon whether or not the purpose or time or place of the participation will be detrimental to or endanger the health, welfare or safety of said minors,
- 4) the permit may set the starting time and duration of such parade demonstration or picket line and may set the speed of its travel, the space between persons or vehicles, the portions or areas of the streets and sidewalks to be used, the length of the parade, group or line, and such other requirements as the Chief of Police or other designated officer may include in the permit for the control of free movement of traffic upon the streets and sidewalks, or for the health, safety and property rights of the participants and general public. Failure to comply with such requirements, as set forth in the permit shall be unlawful;
- 5) the applicant for permit shall specify and the permit shall designate the person in charge of the parade, group demonstration and picket line and such person in charge shall accompany such parade, demonstration, or picket line and shall carry such permit with him at that time;

- 6) the Chief of Police or other designated officer in considering the issuance of a permit shall, among other considerations provided, consider and find as a requisite for issuance that;
  - a) The activity will not require excessive diversion of police from other necessary duties.
  - b) The activity will not interfere with the right or property owners in the area to enjoy peaceful occupancy and use of their property.
  - c) The activity can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area and will not prevent normal police or fire protection to the public and will not likely to cause injury to persons or property or provoke disorderly conduct or create a public disturbance.

#### **Section 4-27 Limitations on Parades, Picket Lines and Group Demonstrations**

- 1) In any parade, picket line or group demonstration it shall be unlawful:
  - a) for any minor below the age of eighteen years to participate or be allowed to participate, and any person encouraging, leading, or allowing such minor to so participate, unless a permit therefore has been issued, shall be guilty of a violation of this section.
  - b) for any person to lead, guide, participate in, or in any way support or encourage such parade, picket line, or group demonstration when a minor below the age of eighteen (18) years is participating therein, unless a permit for such participation by such minor has been issued.
  - c) for any parent to knowingly permit any minor child of such parent under eighteen (18) years of age to participate in such parade, picket line, or group demonstration, unless a permit for such participation by such minor has been issued.
  - d) to cause, participate in, lead, or encourage any parade, picket line, or group demonstration, to deviate in any manner from the authority therefore specified in the permit.
- 2) Any picket line or group demonstration which participates in any area subject to normally heavy pedestrian or vehicular traffic may be limited in the permit issued to a concentration of not more than ten (10) persons participating within any designated area of the street or sidewalk. Provided, that the officer issuing the permit may specify a larger number in the designated area where in his judgment conditions permit a higher concentration. A designated area is defined as the entire width of said street or sidewalk within a distance measured along its length for 100 feet.

#### **Section 4-28 Additional Regulations to Picketing**

- 1) Declaration or Purpose:
  - a) Whereas, peaceful picketing in the promotion of a lawful cause, is a valid exercise of the rights of citizens, provided, such picketing is done in a manner which does not unreasonably interfere with the use of the sidewalks streets or other public places of the town by the public, and

- b) Whereas, pickets pursuing their objectives in lawful manner are entitled to protection against interference by any persons who might attempt to intimidate them by violence or by a threat of violence or by the use of words which may tend to provide or incite such pickets or others to a breach of the peace, and
  - c) Whereas, it is deemed necessary and desirable to adopt regulations for the protection of pickets and to preserve the public peace and tranquility.
- 2) Peaceful picketing in the furthermore of a lawful purpose shall be permitted in the Town; provided, the same is done under the following conditions:
- a) Picketing may be conducted only on the sidewalks or other town owned area normally used or reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic. The word “owned” as used herein includes easements and rights-of-way.
  - b) Not more than ten pickets promoting the same objective shall be permitted to use one of the town sidewalks within a block in the Town of Hertford.
  - c) Such pickets may carry written or printed placards or signs not exceeding town feet in width and not exceeding two feet in length promoting the objective for which the picketing is done, provided, the words used are not defamatory in nature or would tend to produce violence. The staff on which such placard is carried shall not exceed 40 inches in length, must be made of wood, shall not exceed 3/4 of an inch in diameter at any point, and must be blunt at each end.
  - d) Pickets must march in single file and not abreast and may not march closer than 15 feet except in passing one another.
  - e) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than 10 pickets thereon, the chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis, but each group shall be permitted to picket subject to the provisions of this ordinance at least once every town hours.
  - f) The term “block” as used in this ordinance shall mean that portion of a street lying between street intersections.
  - g) It shall be unlawful for any picket to address profane, indecent, abusive, or threatening language to or at any person, which would tend to provoke such person or others to a breach of the peace.
  - h) Picketing done contrary to the provisions of this subsection shall be unlawful.
- 3) It shall be unlawful for any person to physically interfere with such pickets in the use of the sidewalk or the address profane, indecent, abusive, or threatening language to or at such pickets, which would tend to provoke such pickets or others to a breach of the peace.

- 4) The police officers of the Town may, in the event of the assemblage of persons in such numbers as to tend to intimidate pickets pursuing their lawful objective through numbers alone or through use of inflammatory words, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.
- 5) Whenever the free passage of any street or sidewalk in the Town shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when so directed by a police officer as herein provided.
- 6) If any section, subsection, sentence, clause, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.
- 7) The words “picketing”, “pickets”, as used herein shall be construed to include demonstrating or demonstrators.

## **ARTICLE IV FISHING FROM PUBLIC PROPERTY**

### **Section 4-40 Skinner's Bridge**

Fishing is hereby prohibited on Skinner's Bridge on Wynne Fork Road, State Road 1338, Department of transportation Bridge No. 11. Signs shall be posted on such bridge indicating that fishing is prohibited.

### **Section 4-41 Walter's Bridge**

Fishing is hereby prohibited on Walter's Bridge on Church Street, State Road 1336, Department of transportation Bridge No. 31. Signs shall be posted on such bridge indicating that fishing is prohibited.

### **Section 4-42 "S" Bridge**

Fishing shall be permitted on the "S" Bridge on Church Street, US Highway 17 Business, Department of Transportation Bridge No. 8, upon the following conditions:

- 1) Fishing shall be allowed only between sunrise and sunset, as set out in the schedule for "Sunshine and Sunset" computed by the Nautical Almanac Office, United States Naval Observatory.
- 2) Littering is prohibited
- 3) There shall be no consumption of alcoholic beverages on said bridge nor shall anyone who is intoxicated fish or otherwise be on said bridge.
- 4) There shall be no parking for fishermen on Phelps Street or Newby Street or in any private lots in the immediate area of said bridge.
- 5) There shall be no profanity.
- 6) There shall be no urination on said bridge or in any area of any neighborhood or street adjacent to said bridge.
- 7) Trashcans shall be provided on said bridge and all litter is to be placed in said trashcans.
- 8) There is to be no cleaning of fish in said bridge and there shall be no fish or any part thereof placed in said trash cans or anywhere else on said bridge.
- 9) Fishing shall be allowed only from the sidewalk on said bridge.
- 10) All fishing operations and fishing gear and equipment shall be confined to the sidewalk on said bridge and there shall be no operations (such as casting) or fishing gear or equipment, which shall extend onto the roadway of said bridge.

Fishing on the "S" bridge will be continuously monitored by the Town to ensure strict compliance with the terms of this ordinance. This ordinance shall be repealed if not strictly complied with.